

REMARKS/ARGUMENTS

Claims 5 and 8-11 are amended by this response. No claims are canceled or added. Following entry of these amendments and remarks, claims 1 and 3-11 will remain pending.

As a threshold manner, Applicants appreciate the Examiner's indication of the allowance of claim 7. Claim 7 is unchanged by this response and thus remains in condition for allowance.

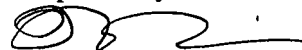
Applicants also appreciate the Examiner's indication of the allowable subject matter of claim 5. Claim 5 has accordingly been amended to be in independent form in the manner suggested by the Examiner, incorporating the elements of the parent independent claim 1. Accordingly, it is respectfully asserted that claim 5 is also now in condition for allowance.

In the latest office action, the Examiner rejected claims 1, 3, 4, and 6 under the doctrine of obviousness-type double patenting in view of co-pending application no. 11/012,387 ("the '387 Application"). Submitted herewith is a terminal disclaimer of the instant application over the '387 Application. Based upon the filing of this terminal disclaimer, it is respectfully asserted that the obviousness-type double-patenting rejections have been overcome, and claims 1, 3, 4, and 6 are also now in condition for allowance.

Finally, the Examiner had indicated that claims 8-11 should be withdrawn as being directed to a non-elected species. These claims have now been amended to depend from an allowable claim (claim 3), and thus it is respectfully asserted that claims 8-11 are now drawn to an elected species. Hence claims 8-11 are also in condition for allowance.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Kent J. Tobin
Reg. No. 39,496

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400; Fax: 415-576-0300
KJT:kjt

61035911 v1